



February 23, 2005

## SENATE BILL No. 536

DIGEST OF SB 536 (Updated February 22, 2005 1:56 pm - DI 113)

**Citations Affected:** IC 5-28; IC 22-4; noncode.

**Synopsis:** Skills 2016 training fund. Transfers the skills 2016 training fund (fund) to the economic development corporation. Provides for administration of the fund by the department of workforce development. Provides that money in the fund is allocated to employers, educational institutions, and consortiums for worker training grants. Mandates that special consideration be given to Ivy Tech State College as the provider of training obtained through the fund when (1) Ivy Tech courses meet the needs of an employer or consortium, and (2) Ivy Tech is the most cost effective provider. Establishes a sunset for the fund of December 31, 2008. Abolishes the incumbent workers training board. Repeals obsolete statutes concerning the fund.

**Effective:** Upon passage.

Clark

January 20, 2005, read first time and referred to Committee on Economic Development and Technology.  
February 22, 2005, amended, reported favorably — Do Pass.

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SB 536—LS 7955/DI 102+



February 23, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## SENATE BILL No. 536

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 5-28-27 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON  
3 PASSAGE]:

4 **Chapter 27. Skills 2016 Training Fund**

5 **Sec. 1. This chapter expires December 31, 2008.**

6 **Sec. 2. As used in this chapter, "fund" refers to the skills 2016**  
7 **training fund established by section 3 of this chapter.**

8 **Sec. 3. (a) The skills 2016 training fund is established to do the**  
9 **following:**

10 (1) **Administer the costs of the skills 2016 training program**  
11 **established under IC 22-4-10.5.**

12 (2) **Undertake any program or activity that furthers the**  
13 **purposes of IC 22-4-10.5.**

14 (3) **Refund skills 2016 training assessments erroneously**  
15 **collected and deposited in the fund.**

16 **(b) The money in the fund shall be allocated as follows:**

17 (1) **An amount to be determined annually by the Indiana**

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economic development corporation shall be set aside for the payment of refunds from the fund.

(2) The remainder of the money in the fund shall be allocated to employers or consortiums for incumbent worker training grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:

(1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and

(2) is the most cost effective provider.

(d) The secretary of commerce shall allocate the money in the fund in accordance with subsections (b) and (c).

(e) The department of workforce development shall administer the fund using money appropriated from the fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) The fund consists of the following:

(1) Assessments deposited in the fund.

(2) Earnings acquired through the use of money belonging to the fund.

(3) Money received from the fund from any other source.

(i) Any balance in the fund does not lapse but is available continuously to the corporation for expenditures consistent with this chapter.

SECTION 2. IC 22-4-10.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires December 31, 2008.**

SECTION 3. IC 22-4-10.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. The skills 2016 training program is to be administered by the department of workforce development Indiana economic development corporation in the manner prescribed by IC 22-4-18-3, IC 5-28-27.**

SECTION 4. IC 22-4-10.5-7 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) ~~After making~~  
 2 ~~the deposit required by subsection (b);~~ The department shall deposit  
 3 skills 2016 training assessments paid to the department under this  
 4 chapter in the skills 2016 training fund established by ~~IC 22-4-24.5-1.~~  
 5 **IC 5-28-27-2.**

6 (b) ~~After June 30, 2003; Unless the board approves a lesser amount;~~  
 7 ~~the department annually shall deposit the first four hundred fifty~~  
 8 ~~thousand dollars (\$450,000) in skills 2016 training assessments paid to~~  
 9 ~~the department under this chapter in the special employment and~~  
 10 ~~training services fund established by IC 22-4-25-1 for the training and~~  
 11 ~~counseling assistance described in IC 22-4-25-1(f).~~

12 SECTION 5. IC 22-4-32-19 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) At any time  
 14 within four (4) years after the date upon which any contributions, skills  
 15 2016 training assessments under IC 22-4-10.5-3, or interest thereon  
 16 were paid, an employing unit which has paid such contributions, skills  
 17 2016 training assessments, or interest thereon may make application for  
 18 a refund of such contributions, skills 2016 training assessments, or an  
 19 adjustment thereon in connection with subsequent contribution  
 20 payments or skills 2016 training assessments. The commissioner shall  
 21 thereupon determine whether or not such contribution or skills 2016  
 22 training assessment, or interest or any portion thereof was erroneously  
 23 paid or wrongfully assessed and notify the employing unit in writing of  
 24 its decision.

25 (b) Such decision shall constitute the initial determination referred  
 26 to in section 4 of this chapter and shall be subject to hearing and review  
 27 as provided in sections 1 through 15 of this chapter.

28 (c) The commissioner may grant such application in whole or in part  
 29 and may allow the employing unit to make an adjustment thereof  
 30 without interest in connection with subsequent contribution payments  
 31 or skills 2016 training assessments. If such adjustment cannot be made,  
 32 the commissioner may refund such amounts, without interest, from the  
 33 fund. For like cause and within the same period, adjustments or refund  
 34 may be made on the commissioner's own initiative. Any adjustments or  
 35 refunds of interest or penalties collected for contributions due under  
 36 IC 22-4-10-1 shall be charged to and paid from the special employment  
 37 and training services fund created by IC 22-4-25. Any adjustments or  
 38 refunds of interest or penalties collected for skills 2016 training  
 39 assessments due under IC 22-4-10.5-3 shall be charged to and paid  
 40 from the skills 2016 training fund established by ~~IC 22-4-24.5-1.~~  
 41 **IC 5-28-27-2.**

42 (d) If any assessment has become final by virtue of a decision of a

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1 liability administrative law judge with the result that no proceeding for  
2 judicial review as provided in this article was instituted, no refund or  
3 adjustment with respect to such assessment shall be made.

4 SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE  
5 UPON PASSAGE]: IC 22-4-18.3; IC 22-4-24.5-1; IC 22-4.5-2-5;  
6 IC 22-4.5-3-4.

7 SECTION 7. [EFFECTIVE UPON PASSAGE] **On the effective**  
8 **date of this act:**

9 (1) the skills 2016 training fund; and

10 (2) all the money in the skills 2016 training fund;  
11 established by IC 22-4-24.5-1 (repealed by this act) are transferred  
12 to the Indiana economic development corporation and deposited in  
13 the skills 2016 training fund established by IC 5-28-27-2, as added  
14 by this act, and administered by the department of workforce  
15 development.

16 SECTION 8. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

**"Sec. 1. This chapter expires December 31, 2008."**

Page 1, line 5, delete "Sec. 1." and insert **"Sec. 2."**

Page 1, line 6, delete "section 2" and insert **"section 3"**.

Page 1, line 7, delete "Sec. 2." and insert **"Sec. 3."**

Page 1, line 16, after "annually" insert **"by the Indiana economic development corporation"**.

Page 2, line 2, delete "employers, educational institutions," and insert **"employers"**.

Page 2, line 2, after "for" insert **"incumbent"**.

Page 2, line 3, delete "grants." and insert **"grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness."**

Page 2, between lines 3 and 4, begin a new paragraph and insert:

**"(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:**

- (1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and**
- (2) is the most cost effective provider.**

**(d) The secretary of commerce shall allocate the money in the fund in accordance with subsections (b) and (c)."**

Page 2, line 4, delete "(c)" and insert **"(e)"**.

Page 2, line 4, delete "corporation" and insert **"department of workforce development"**.

Page 2, line 4, delete "fund." and insert **"fund using money appropriated from the fund."**

Page 2, line 5, delete "(d)" and insert **"(f)"**.

Page 2, line 7, delete "Interest that".

Page 2, delete line 8.

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Page 2, line 9, delete "(e)" and insert "(g)".

Page 2, line 11, delete "(f)" and insert "(h)".

Page 2, delete lines 16 through 19.

Page 2, line 20, delete "(h)" and insert "(i)".

Page 2, between lines 22 and 23, begin a new paragraph and insert:  
 "SECTION 2. IC 22-4-10.5-0.5 IS ADDED TO THE INDIANA  
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires  
 December 31, 2008.**"

Page 2, line 29, strike "(a) After making the".

Page 2, line 30, strike "deposit required by subsection (b),".

Page 2, line 30, delete "the" and insert "The".

Page 2, line 34, strike "(b)".

Page 2, line 34, strike "Unless the board approves a lesser amount,".

Page 2, strike lines 35 through 39.

Page 3, line 33, delete "IC 22-4-10.5-9;".

Page 3, line 33, delete "IC 22-4-24.5-1." and insert "IC 22-4-24.5-1;  
 IC 22-4.5-2-5; IC 22-4.5-3-4.".

Page 3, line 34, delete "July 1, 2005:" and insert "**the effective date  
 of this act:**".

Page 3, line 40, delete "act." and insert "**act, and administered by  
 the department of workforce development.**".

Page 3, after line 40, begin a new paragraph and insert:

"SECTION 8. **An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 536 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 5, Nays 2.

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